



Attorney's Docket No. 55675 RCE (70551)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: J. Nakajima, et al.

**RECEIVED**

U.S.S.N.: 09/800,082

Examiner: Tran, Thang V.

JUN 24 2004

Filed: March 5, 2001

Group: 2653

**Technology Center 2600**

For: OPTICAL DISK HAVING PITS OF DIFFERENT DEPTHS FORMED THEREIN,  
OPTICAL DISK REPRODUCING APARATUS FOR REPRODUCING THE OPTICAL  
DISK, AND METHOD OF TRACKING THE OPTICAL DISK

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No: EV 438974546 US), and is addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on June 18, 2004.

By Kathryn A. Grindrod  
Kathryn A. Grindrod

Mail Stop: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

**I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on Form PTO-1449, attached hereto.

06/23/2004 NGUYEN 00000063 09800082

04 FC:1806

180.00 OP

**BEST AVAILABLE COPY**

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b.      This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No.     , filed on     . The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. X A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:  
See English language Abstracts attached to each of the documents cited and provided herewith.
- c. X The following additional information is provided for the Examiner's consideration:

The documents cited and provided herewith were cited in Japanese Office Actions dated 12 August 2003 and 11 November 2003 respectively in the applications from which priority is claimed in this application (copies of the Japanese Office Actions of 12 August 2003 and 11 November 2003, English translations thereof, and Applicants' comments on the cited documents are attached hereto).

FEEs

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a.      within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b.      within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

- c. \_\_\_\_\_ Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a.   X   No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

OR

- b. \_\_\_\_\_ See the certification below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. \_\_\_\_\_ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. \_\_\_\_\_ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. \_\_\_\_\_ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

\_\_\_\_\_ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

X The required fee in the amount of \$180.00 is enclosed.

X Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. However, if for any reason a further fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. If it is determined that this Information Disclosure Statement has been filed under the wrong rule, the United States Patent and Trademark Office is requested to consider this Information Disclosure Statement under the proper rule, with a petition if necessary, and to charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,

Date: June 18, 2004

David A. Tucker  
SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker  
(type or print name of practitioner)  
Attorney for Applicant(s)

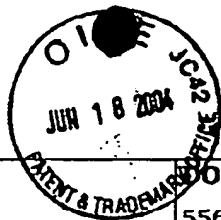
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FORM PTO-1449

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INFORMATION DISCLOSURE  
STATEMENT

APPLICANT(S): J. Nakajima, et al.

FILING DATE:

March 5, 2001

GROUP NO.:

2653

## UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	BA	05-205276	08/13/1993	JAPAN			Abstract
	BB	07-021588	01/24/1995	JAPAN			Abstract
	BC						
	BD						
	BE						
	BF						

## OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	CA	
EXAMINER:		DATE:

448168

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